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Letter dated 15 October 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 13 October 2003, addressed to you by His Excellency Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

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Annex to the letter dated 15 October 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Letter dated 13 October 2003 from His Excellency Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus, addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 9 October 2003 addressed to you by H.E. Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus (see enclosure).

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Enclosure

Letter dated 9 October 2003 from H.E. Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, addressed to the Secretary-General

I have the honour to refer to the statement made by the Greek Cypriot leader, Mr. Tassos Papadopoulos, at the fifty-eighth session of the General Assembly, on 25 September 2003 in New York.

Every year, we witness the Greek Cypriot officials appear before this Assembly to repeat their well-known baseless allegations against Turkey and the Turkish Republic of Northern Cyprus and portray the Cyprus question as a problem of "invasion" and "occupation". It was no surprise, therefore, that Mr. Papadopoulos followed the same path, which is nothing other than a distortion aimed at concealing the responsibility of the Greek Cypriot side in the creation and perpetuation of the Cyprus issue. Mr. Papadopoulos' remarks are, however, of particular significance from another perspective since they not only confirm our solid perception that the Greek Cypriot side has yet to come to terms with the idea of sharing the future of the island with Turkish Cypriots under the terms of a new partnership based on sovereign equality but also demonstrate a clear refusal to accept Turkish Cypriots as their equal counterparts in any form. Obviously, this kind of approach does not promote reconciliation, especially at a time when we, on our part, have taken bold steps towards fostering confidence and good-neighbourly relations between the two sides of the island.

It needs to be stressed, at the outset, that none of the resolutions to which Mr. Papadopoulos pays lip service in his statement describes the justified Turkish intervention of 1974 as "aggression" or "invasion" or the subsequent presence of Turkish troops in the island as "occupation". In fact, Turkey's intervention, which prevented the illegal annexation of Cyprus by Greece, was undertaken in accordance with her rights and obligations under the Treaty of Guarantee of 1960, at the request of the Turkish Cypriot co-founder partner of the defunct 1960 Republic, and was fully legal and legitimate under article 4 of the said Treaty. The legality of the Turkish intervention on Cyprus has also been underlined by the Parliamentary Assembly of the Council of Europe in its resolution 573 (1974), adopted on 29 July 1974, and by the Athens Court of Appeals in its decision of 21 March 1979.

In fact, the only occupation in Cyprus is the 40-year-old usurpation and continued occupation of the seat of government of the once bi-national Republic of Cyprus by the Greek Cypriot side. As for "invasion", I only wish to recall the dramatic speech made by the Greek Cypriot leader, Archbishop Makarios, before the Security Council on 19 July 1974, in which he openly accused Greece, not Turkey, of invading and occupying Cyprus. His remarks, which were made subsequent to the Greek coup of 15 July 1974, are well recorded in the annals of the United Nations and require no elaboration. What happened in Cyprus before the coup, however, is of equal if not greater importance in revealing the Greek Cypriot side's exclusive responsibility for the existing division of the island.

Between the years 1963 and 1974, Greek Cypriots, aided and abetted by Greece, practised terrorism and tyranny against the Turkish Cypriot people aimed at the annexation of the island to Greece. The right of the Turkish Cypriot people to

life, liberty and security was almost non-existent during this period. Hundreds of Turkish Cypriots were killed and maimed by armed Greek Cypriot paramilitaries and a quarter of the Turkish Cypriot population (some 30,000 people) rendered homeless. Hundreds more were abducted or subjected to enforced disappearance, never to be seen or heard of again. There is ample graphic evidence that between 1963 and 1974 a systematic campaign of ethnic cleansing was directed against the Turkish Cypriot people by their former partners. One needs only to look at the reports of the Secretary-General and the press reports of the period to see the gravity of the situation created by the Greek Cypriot campaign for enosis.

It is this background of violence, for which the Greek Cypriots themselves are solely responsible, that has divided Cyprus; segregated the two peoples of the island from each other by pushing the Turkish Cypriots into scattered enclaves encompassing a mere 3 per cent of the island's territory for 11 years; and finally led to the current division.

As for legitimacy and effectiveness to which Mr. Papadopoulos refers in conjunction with the United Nations system and universal goals, it should be noted that the legitimacy of the 1960 partnership Republic of Cyprus lay in the joint presence and effective participation of both peoples in all organs of the State. Neither of the parties had the right to rule or be the Government of the other or the island as a whole. Indeed, the fundamental feature of the 1959-1960 agreements giving rise to the establishment of the long-defunct Republic of Cyprus was that one partner would not dominate the other. In December 1963, the Greek Cypriot partner of the 1960 Republic of Cyprus resorted to violence and usurped the state machinery by force of arms. Ever since, there has not been a joint central administration in the island capable of representing the whole of Cyprus, either legally or de facto. In other words, the Greek Cypriot administration of Southern Cyprus, in its usurped title as the "Government of the Republic of Cyprus", has no legal or moral right to represent anyone but the Greek Cypriot people.

As for effectiveness, I can only agree with Mr. Papadopoulos that no one can match the proficiency of the Greek Cypriots in utilizing international recognition as political leverage to the detriment of the Turkish Cypriot side. Indeed, the unjust treatment by the international community of the Greek Cypriot administration as the "legitimate Government of the Republic of Cyprus" has always been and continues to be the main source of encouragement for the Greek Cypriot side to reject equal power-sharing with the Turkish Cypriots. As you are well aware, acting in its purported capacity as "the Government of Cyprus" the Greek Cypriot administration made a unilateral and unlawful application for European Union (EU) membership, and the acceptance and processing of that application by the European Union, despite our justified opposition and international treaties banning such an eventuality, had a devastating effect on the efforts aimed at reconciliation in Cyprus.

When, in December 2002, the EU declared that the Greek Cypriot administration would be accepted as a new member on behalf of Cyprus, the Greek Cypriot side hardened its position vis-à-vis a negotiated settlement, confident that the accepted parameters of a settlement in Cyprus, such as bi-zonality, restrictions on the three freedoms and the continuation of the 1960 guarantee system, would disappear once "Cyprus" had become a member of the EU, in which Greece was a member but Turkey was not. This position was evident in the intransigent and inflexible attitude of the Greek Cypriot side throughout the process of direct talks,

which commenced in 2001 upon my initiative and culminated in the talks at The Hague.

Contrary to the claim of Mr. Papadopoulos, we all know that the talks did not fail as a result of intransigence on our part but simply because the Greek Cypriot administration, heartened by its EU membership prospects, was not willing to concede to the concept of partnership between equals and to translate the principles of sovereign equality and bi-zonality into practical terms. The unfortunate decision to link the talks to the narrow timetable of the "Cyprus in the EU" programme could not and did not contribute to a meaningful process.

Despite the negative attitude of the Greek Cypriot administration, we concentrated on giving a new impetus to the efforts targeting a comprehensive settlement and, as you will recall, on 2 April 2003 I put forward our proposals aimed at overcoming the deep crisis of confidence between the two peoples which has been blocking the way to a just and lasting settlement in Cyprus. The proposals included opening parts of the fenced area of Varosha for resettlement; removal of all restrictions imposed by the Greek Cypriot side on overseas trade, transport and travel, as well as on cultural and sportive activities; the free movement of peoples, including tourists and the United Nations Peacekeeping Force in Cyprus (UNFICYP); and free movement of goods. Unfortunately, the Greek Cypriot side, without even considering those proposals, rejected them the very same day.

Furthermore, with a view to promoting the search for reconciliation through the creation of a new climate of confidence, the Council of Ministers of the Turkish Republic of Northern Cyprus (TRNC) adopted a decision on 21 April 2003, which provided for the new arrangements for crossings between TRNC and south Cyprus. This was a historic decision, to which both the Turkish Cypriot and Greek Cypriot people reacted very positively.

As you are well aware, one of the most fundamental issues in the Cyprus question is that of property. The Turkish Cypriot side has for a long time been proposing to the Greek Cypriot side that a joint property claims commission be set up to look into Turkish Cypriot and Greek Cypriot property claims and to develop modalities as to how the property issue can be settled on the basis of the agreed principle or bi-zonality. The Greek Cypriot side has been refusing this proposal, while affected property owners are deprived of effective remedies. In the absence of cooperation from the Greek Cypriot side, TRNC, in consultation with relevant international bodies, has passed a new law through its Assembly providing remedies to Greek Cypriots who wish to receive either full compensation against their properties, or exchange their properties in TRNC with Turkish Cypriot properties in the south. The humanitarian and practical significance of this legislation cannot be overstressed. The reaction of the Greek Cypriot administration to this new opening of TRNC has also been negative. Greek Cypriot officials have taken turns in denouncing those Greek Cypriots who chose to make use of this legal remedy in TRNC. This constitutes a blatant attempt to curtail the individual rights of Greek Cypriots and to undermine an effective instrument provided by TRNC, which conforms fully with relevant international norms.

The principle that such problems should be solved through a political solution on the island has been stated by Greek Cypriot political leaders many times. Greek Cypriot Minister of Internal Affairs Andreas Hristu said that the Turkish Cypriots will be able to receive their compensation after a solution (6 September 2003,

Haravgi). Spokesman for the Greek Cypriot Administration Kipros Hrisostomidis also stated that the property issue is an issue that can be solved for good only after the resolution of the Cyprus problem (21 July 2003, *Mahi*). It should also be kept in mind that a long Turkish Cypriot list for compensation from the period 1963-1974 from the Greek Cypriots is also still pending.

You will recall my letter of 11 July 2003, in which I sought your support to initiate another major undertaking. The Turkish Cypriot side proposed the opening of Nicosia International Airport under United Nations administration to serve both sides. The proposed package also included the other measures foreseen in the United Nations confidence-building measures proposals of 1993 and 1994, including the opening up of the fenced area of Varosha for resettlement under United Nations administration. The Greek Cypriot side has also rejected this constructive proposal.

In Mr. Papadopoulos' own words with regard to the situation in the Middle East, "the necessary political will should be demonstrated by both sides at all levels and be matched with persistent action on the ground in the right directions". The recent developments in Cyprus, during which the Greek Cypriot leadership failed to reciprocate every initiative we made in any direction demonstrated beyond doubt that the professed political will of the Greek Cypriot party for a "functional and viable solution" is nothing more than an empty remark designed to impress the audience. Over the years, Greek Cypriot leadership has preferred to stick to the hijacked title of the Government of Cyprus rather than re-establish a new partnership in the light of the realities which prevail.

On the other hand, it is a fact that the overwhelming majority of the Turkish Cypriot people are willing and ready for a political solution in Cyprus, as well as European Union membership, subject to respect for the rule of law, which provides that Cyprus cannot enter a union unless both guarantor motherlands are members. It is equally true, however, that the Turkish Cypriot people are also ready and determined to make sure that their state — the Turkish Republic of Northern Cyprus — is not dismantled by any means and to continue protecting their inherent rights and interests at all costs, instead of yielding to Greek Cypriot aspirations of bringing Cyprus under their domination.

With regard to the all-important issue of human rights, I wish to stress that the Greek Cypriots are in no position to blame anyone for violating human rights and freedoms in Cyprus, especially at a time when the inhuman Greek Cypriot embargoes imposed on the Turkish Cypriot people under the usurped title of the "Government of Cyprus" continues unabated. The all-encompassing Greek Cypriot embargoes range from denying the Turkish Cypriot people the right of representation in international forums to preventing or restricting their travel abroad and their communication with the rest of the world; to curtailing trade and tourism between TRNC and the outside world; and to hampering all cultural and sporting relations of the Turkish Cypriot people with other countries.

Furthermore, despite the positive moves of the Turkish Cypriot side, Greek Cypriot authorities continue to discourage both Greek Cypriots and tourists from crossing over to north Cyprus. The Greek Cypriot authorities do not allow tourists to stay overnight in north Cyprus and threaten the Greek Cypriots and others who choose to stay with legal action and fines. People who buy consumer goods from Turkish Cypriot shops in TRNC are faced with difficulties on their way back to south Cyprus. Greek Cypriot press reports confirm that such goods continue to be

confiscated by the Greek Cypriot police in spite of public outrage in the face of such senseless acts.

Regarding the humanitarian issue of missing persons, it is noteworthy that Mr. Papadopoulos has conveniently omitted any reference to the Turkish Cypriot missing, who disappeared during the atrocities of the period 1963-1974. This position is, of course, in keeping with the inherent Greek Cypriot policy with regard to this sensitive issue. In spite of real and direct evidence testifying to the reality that most of the Greek Cypriots listed as missing by the Greek Cypriot administration are those killed by the Greeks themselves in the internecine war during the coup d'état of 15 July 1974 or those killed in the events that the coup had triggered off, subsequent Greek Cypriot administrations managed to conceal the truth from Greek Cypriots and the international community, alike, for decades, and exploited this humanitarian issue for political gain at the expense of the families on both sides who had lost their loved ones.

It should be recalled, in this context, that following a series of dramatic disclosures in southern Cyprus concerning cases of so-called "missing persons" being kept on the missing list in spite of the knowledge that they had been killed during the coup of 1974, the then Greek Cypriot Foreign Minister, Mr. Ioannis Kasoulides, admitted that the Greek Cypriot administration "owed many apologies" to the relatives of the "missing".

You are well aware that the only body competent to solve the question of missing persons in Cyprus is the autonomous tripartite United Nations Committee on Missing Persons in Cyprus, established in 1981 and comprising of one Turkish Cypriot, one Greek Cypriot and a neutral member appointed by the Secretary-General. It is evident even from the composition of the Committee that Turkey is not a party to this issue. In view of these realities, the non-reference by Mr. Papadopoulos to the Committee and his attempt to link Turkey to the question of missing persons demonstrates that the Greek Cypriot leadership is still not interested in putting an end to this humanitarian ordeal but in prolonging it by shifting to other platforms through dissolving the Committee which, owing to its structure, not only gives equal say to both parties but ensures impartiality.

I wish to take this opportunity to reiterate that the Turkish Cypriot side is prepared to cooperate fully, as hitherto, within the Committee to resolve the issue in line with the expectations of the families concerned on both sides. We only hope that adopting the same constructive approach, the Greek Cypriot side will stop playing with human pain and reveal the full list of the names and places of burial of all the Greek Cypriots who were killed during the Greek coup of 15 July 1974, hence remove the main impediment in the way of progress towards the final solution of this long-standing issue.

As for Mr. Papadopoulos' remarks on refugees, I only wish to recall the historical fact that the question of displaced persons in Cyprus has been fundamentally settled through the third Vienna agreement, dated 2 August 1975, under which the two sides agreed on a voluntary regrouping of populations in their own respective territory under the supervision of UNFICYP. Both the agreement and its implementation are well recorded in relevant United Nations documents (see S/11789 and Add.1).

Regarding the issue of the so-called "enclaves", it is noteworthy that the term enclaves was first used in the relevant reports of the Secretary-General to describe the areas which Turkish Cypriots had been forced into by the Greek Cypriots during the period 1963-1974. Lately, the Greek Cypriot side has been trying to utilize the term "enclaved people" for propaganda purposes by exploiting the presence of the several hundred Greek Cypriots living in northern Cyprus. The fact is that there have been no enclaved people in Cyprus since the liberation of the Turkish Cypriots by Turkey in 1974, and the Greek Cypriots living in the Turkish Republic of Northern Cyprus enjoy the same rights and living conditions as the rest of he residents of TRNC.

Before I conclude, I wish to reiterate that, as I confirmed to you in my letter of 24 July 2003, the military authorities of the Turkish Republic of Northern Cyprus are prepared to discuss with UNFICYP the issue of demining in Nicosia and its close vicinity.

(*Signed*) Rauf R. **Denktaş**
President